

**REMARKS**

This Amendment is filed in response to the Office Action mailed July 17, 2006. The Applicant respectfully requests reconsideration, and traverses all objections and rejections.

Claims 1-13 are now pending in the case.

New claims 28-40 have been cancelled without prejudice.

No claims have been amended.

***Correction of Typographical Error***

The Applicant would like to correct a typographical error in the prior Amendment, filed April 20, 2006, as it may have led to some confusion. The phrase on page 12, line 1 that read “[f]urther STP has notion of a proposal flag” should have read “[f]urther STP has no notion of a proposal flag.” To clarify, the Applicant was urging that, a conventional STP implementation, absent any enhancements or alterations, does not use proposal flags. The Applicant apologizes for any confusion that resulted from the typo.

***Election/Restriction***

At paragraphs 1-3 of the Office Action, claims 28-40 were restricted as directed to a another non-elected invention. To expedite the prosecution of the case, the Applicant has cancelled the claims without prejudice.

***35 U.S.C. §102***

At paragraphs 4-18 of the Office Action, claims 1-13 were cited under 35 U.S.C. § 102 in light of Seaman et al., U.S. Patent No. 6,262,977, issued on July 17, 2001 (hereinafter Seaman).

The Applicant’s claim 1, representative in part of the other rejected claims, sets forth:

1. In an intermediate network device having a plurality of ports for forwarding network messages within a bridged network, a method for efficiently transitioning the ports among a plurality of spanning tree protocol (STP) states, the method comprising the steps of:  
executing the STP at the intermediate network device so as to elect a root of the bridged network and to assign one of the device's ports to a Root Port Role, one or more of the device's ports to an Alternate Port Role, and one or more of the device's ports to a Designated Port Role;  
transitioning the ports assigned to the Root Port Role and the Designated Port Role to a forwarding STP state;  
transitioning the one or more ports assigned to the Alternate Port Role to a discarding STP state;  
receiving a bridge protocol data unit (BPDU) message, *the BPDU message having a proposal flag that is asserted*; and  
*if the BPDU message was received on the port assigned the Root Port Role, leaving the one or more ports assigned to the Designated Port Role in the forwarding STP state, provided that the one or more ports assigned to the Alternate Port Role are in the discarding STP state.*

Seaman describes a modification to the conventional spanning tree protocol (STP) where a port in an Alternate Port Role is transitioned to Root Port Role and placed in a forwarding state immediately, i.e. without traversing the listening and learning states. See col. 5, lines 35-51. However, this modification appears to only apply to transitions to Root Port Role itself. When a new Root Port transitions into the forwarding state, in response to BPDUs received, the ports in the Designated Role are transitioned to "listening" and/or "learning" state before possibly transitioning back to the forwarding state. See col. 14, lines 21-31 and Fig 11. Such operation is consistent with the conventional STP scheme, where Designated Ports are transitioned out of the forwarding state for some period of time whenever a new Root Port is selected.

The Applicant respectfully urges that Seaman does not suggest the Applicant's claimed "*the BPDU message having a proposal flag that is asserted*" and "*if the BPDU message was received on the port assigned the Root Port Role, leaving the one or more ports assigned to the Designated Port Role in the forwarding STP state, provided that*

*the one or more ports assigned to the Alternate Port Role are in the discarding STP state.”*

First, the configuration discussed in Seaman has no conception of a BPDU *having a proposal flag that is asserted*. In the Office Action, the Examiner interprets a BPDU having a proposal flag asserted simply as a BPDU indicating a new configuration. The Applicant respectfully urges that this interpretation is overbroad and effectively reads out the element of the proposal flag. The Applicant describes in the specification a proposal/agreement mechanism that uses proposal flags and agreement flags. For example, the Applicant describes at page 13, lines 15-16, that a “proposal flag asserted, thereby indicat[es] that neighboring switch wishes to transition its peer port, i.e., port P3 of switch, rapidly to forwarding” (reference numerals removed).

Second, the configuration discussed in Seaman makes no suggestion of, in response to a BPDU with an asserted proposal flag, *leaving the one or more ports assigned to the Designated Port Role in the forwarding STP state, provided that the one or more ports assigned to the Alternate Port Role are in the discarding STP state*. In contrast, Seaman discloses that in most situations Designated Ports are transitioned to a “listening” and/or “learning” state before then possibly being transitioned back to a forwarding state. See col. 14, lines 21-31.

The Applicant avoids excess transitions, in part, by recognizing that when Root Port Role is assigned to a port, certain ports are unlikely to cause loops. Thus, the Applicant claims *leaving the one or more ports assigned to the Designated Port Role in the forwarding STP state* as these ports are unlikely cause a loop-problem. There is no suggestion in Seaman of this novel optimization.

Accordingly, the Applicant respectfully urges that Seaman is legally insufficient to anticipate the present claims under 35 U.S.C. §103 because of the absence of the Applicant’s claimed novel “*the BPDU message having a proposal flag that is asserted*” and “*if the BPDU message was received on the port assigned the Root Port Role, leaving the one or more ports assigned to the Designated Port Role in the forwarding STP*

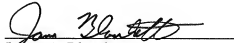
*state, provided that the one or more ports assigned to the Alternate Port Role are in the discarding STP state.”*

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

In summary, all the independent claims are believed to be in condition for allowance and therefore all dependent claims that depend there from are believed to be in condition for allowance. The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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